

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RAJINDER KANG,

CASE NO. C19-1724RSM

Plaintiff,

ORDER GRANTING PLAINTIFF'S MOTION FOR DISMISSAL OR REMAND

V.

MARATHON FUNDING SERVICES, INC.,
et al.,

Defendants.

This matter is before the Court on Plaintiff's Motion for Dismissal or Remand. Dkt. #5.

This action was originally filed in state court, as a “post-foreclosure eviction,” in April 2019. *Id.* at 1; Dkt. #1-1 at 1–2. Subsequently, Defendant Marathon Funding Services, Inc. (“Marathon”), filed for bankruptcy. Dkt. #1-1 at 2. After Plaintiff obtained relief from the automatic bankruptcy stay, Defendant Robert Crawford (“Crawford”) removed this state court action on the basis that it was related to Marathon’s ongoing bankruptcy. *Id.* In turn, Plaintiff filed his Motion for Dismissal or Remand, arguing that the Court lacks subject matter jurisdiction¹ and that the Bankruptcy Court, in lifting the stay, already determined that the underlying property at issue was not a part of Marathon’s bankruptcy estate. Dkt. #5 at 3–5.

¹ Judge Coughenour remanded a prior attempt at removal for lack of jurisdiction. *Kang v. Marathon Funding Services Inc.*, Case No. C19-829JCC, Dkt. #12 (W.D. Wash. July 9, 2019).

1 Crawford opposed the Motion for Dismissal or Remand. Dkt. #8. However, on
2 November 18, 2019, Marathon's bankruptcy, upon which Crawford relied, was dismissed. Dkt.
3 #9 at 2–3. Crawford filed notice with the Court as a "Reply in Support of the Plaintiff's Motion
4 for Dismissal" indicating that "the central cause for the removal of this case is now moot." *Id.*
5 at 1. The Court interprets Crawford's filing as a concession on the issue of whether removal was
6 proper and notes that Plaintiff did not file a separate reply—likely indicating the parties'
7 understanding that dismissal of Marathon's bankruptcy precluded a basis for removal.

8 Accordingly, and having reviewed the filings and the remainder of the record, the Court
9 finds and ORDERS that Plaintiff's Motion for Dismissal or Remand (Dkt. #5) is GRANTED.
10 The Clerk is DIRECTED to remand this case to King County Superior Court.

11 Dated this 2 day of December, 2019.

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13 RICARDO S. MARTINEZ
14 CHIEF UNITED STATES DISTRICT JUDGE
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